

**2<sup>nd</sup> Interim CACFP Management Improvement Rule:  
New Family Day Care Home (FDCH) Provisions Effective on October 1, 2004**

<b>Regulatory citation</b>	<b>Topic and Provision</b>	<b>State agency (SA) action required</b>	<b>Sponsoring Organization (SO) action required</b>
226.16(d)(4) (i)-(ii) [p. 60]	<u>Content of monitoring visits</u>	DOH-4118 will be revised to reflect these new monitoring requirements.	During sponsor visits to family day care homes, the monitor must: - assess whether previously identified problems have been corrected - reconcile meal counts with enrollment and attendance for a consecutive five-day period during the current or previous claiming period - review the home's compliance with the meal pattern, licensing requirements, attendance at training, meal counts, menu and meal records, and enrollment forms.
226.16(d)(4)(iii) [p. 60]	<u>Frequency of monitoring visits</u>		Sponsors must conduct three visits per year, two of which are unannounced; one of the unannounced visits must include a meal observation. No more than six months may lapse between visits. Newly approved FDCHs must receive four monitoring visit during their first year of program participation. The first visit must occur within the first 4 weeks of CACFP participation.
226.16(d)(2)-(3) [p. 60] 226.16(l)(2)(viii) [p. 62] 226.18(b)(2) [p. 66]	<u>Frequency and content of sponsor training</u>	Key staff include all on-site providers, FDCH operators and full-time assistants.	Key staff must be trained by the sponsor before they begin to participate in CACFP and at least annually thereafter. This training is mandatory, and failure to attend mandatory training could result in the provider being named seriously deficient in their operation of CACFP. The training must include instruction on CACFP meal patterns, meal counts, claims submission, review procedures, recordkeeping requirements and reimbursement.

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226.15(e)(4) [p. 56]	<u>Meal counts</u>	DOH-4118 will be revised to reflect this new meal count requirement.	Any FDCH providing care for more than 12 children in a single day must record meal counts at the time of meal service. Providers serving less than 12 children in a single day may continue to record meal counts at the end of the day, unless time of service counts are being required as a condition of corrective action.
226.18(b)(7) [p. 67]	<u>Withholding payments to FDCHs</u>		Sponsors may not withhold payments to any FDCH for any reason <i>except</i> any amount that the sponsor believes is invalid based on the submission of an invalid claim or a false or erroneous meal count.
226.15(m) [p. 58]	<u>Regulations and guidance</u>	NY CACFP must comply with all CACFP regulations, Child Nutrition Program (CNP) guidance, instructions and handbooks. CNP guidance is transmitted to sponsors as policy memos.	Sponsors and providers must comply with all CACFP regulations, policy memos, and referenced instructions and handbooks.
226.15(e)(14) [p. 57]	<u>Training requirements for CACFP monitors</u>		Every staff member with monitoring responsibilities must attend sponsor training that includes instruction on meal patterns, meal counts, claims submission and claim review procedures, recordkeeping requirements, and an explanation of the sponsor's reimbursement system.
226.16(b)(1) [p. 58]	<u>Monitor staffing standards</u>		The sponsor may include staff time spent processing the annual update of enrollment forms in its calculation of monitor staffing standards.

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226.16(d)(5) [p. 61] 226.6(m)(5) [p.44]	<u>Household contacts</u>	SAs will determine when household contacts will be required as part of monitoring visits. NY CACFP will solicit input from sponsors in advance of issuing a policy memo on household contacts. A policy memo that describes household contact requirements will be issued by 4/1/05.	Sponsors will be required to conduct household contacts in accordance with the policy memo on household contacts, once it is issued.
226.15(e)(3) [p. 56]	<u>Enrollment forms</u>	NY CACFP will issue a policy memo on enrollment form requirements by 4/1/05.	Each provider must obtain an enrollment form for each child in care. This form must be signed by a parent or guardian and must be updated annually. In addition to parent/ guardian contact information, this form must include information on each child's normal days and hours in care and meals received while in care. The new form must be collected for all children newly entering care after 4/1/05. An enrollment form must be available for all children in care by 9/30/05.
226.6(f)(1)(x) [p. 35]	<u>Food Stamp eligibility declaration</u>	NY CACFP will issue a policy memo that describes food stamp reporting requirements by 4/1/05. The local homes system will be updated to simplify the reporting of this information to CACFP.	Each year, sponsors must submit a list of providers who have qualified for tier I benefits on the basis of categorical Food Stamp Program (FSP) eligibility to CACFP. Within 30 days of receiving the list, CACFP will submit this list to the Food Stamp Program. Those sponsors not using the local homes system must develop their own process for collecting and reporting this information to CACFP.

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226.10(c) [p. 49] 226.11(b) [p. 51] 226.13(b) [p. 54]	<u>Edit checks of provider claims</u>	NY CACFP will issue a policy memo detailing required edit checks of provider claims and defining block claiming. The local homes system will be updated to incorporate these changes.	Each sponsor must incorporate edit checks into their review and processing of provider claims. If block claims are detected, the sponsor must conduct an unannounced review of the home within 60 days. Sponsors not using the local homes system must develop their own process for reviewing and processing provider claims.
226.16(d)(4) (iv) [p. 60]	<u>Review averaging</u>	NY CACFP will issue a policy memo describing a sponsor's right to average the number of monitoring visits conducted each year.	If no serious deficiencies are identified during a sponsor's first two unannounced monitoring visits to a provider during the year, the sponsor may skip the third visit of the year, so long as they conduct <i>an average</i> of 3 visits per FDCH overall. This provision will allow a sponsor to conduct 2 unannounced visits to some homes, and more visits (at least 2 of which are unannounced) to other facilities.